IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

-

WRIT PETITION NO : 36231 of 1998

Between:

Md. Shariff, S/o Mohd Jaffer,
Nalgonda.

..... PETITIONER

AND

1. The Presiding Officer,

Labour Court, Hyderabad.

2. Divisional Engineer, A.P.S.E.B.
Miryalaguda, Nalgonda District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Certiorari and after calling for the records quash the award in I.D.No. 37/95 dated 20-11-1996 and consequently direct the respondents to promote the petitioner to the post of Lineman with all attendant benefits.

Counsel for the Petitioner: MR.G.VIDYASAGAR
Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: None appeared

The Court made the following:

ORDER:

This writ petition is filed by the workman being aggrieved by the Award passed by the Labour Court, Hyderabad in I.D.No.37 of 1995 dated 20.11.1996.

2. It is the case of the petitioner that he was appointed as Helper in the year 1963 in A.P.S.E.B. Subsequently, he was promoted as Assistant Wireman with effect from 14.06.1968. While so, the petitioner met with an accident on 25.5.1979 while he was on duty. The petitioner, however, was paid compensation, but his services were terminated on 18.12.1980. Against the same, the petitioner raised an industrial dispute and the same was numbered as I.D.No.66 of 1982. The Labour Court passed an award on 14.2.1983 directing the respondent No.2 to reinstate the petitioner with continuity of service with all attendant benefits and back wages. Thus, the petitioner was reinstated into service on 25.9.1986 in the post of Watchman instead of Assistant Wireman with continuity of service and the back wages were paid.

3. The case of the petitioner before the Labour Court was that though the petitioner is posted as Watchman, the respondents are extracting the work of Assistant Wireman and he is entitled for being promoted to the post of Lineman. When he raised a dispute, the same was referred to the Industrial Tribunal, Hyderabad, under Section 10(1)(d) of the Industrial Disputes Act, to resolve the following issue.

" Whether Sri Md.Shariff once Asst. Wireman and later Watchman is entitled for promotion for the post of Lineman?

Before the Labour Court, no oral evidence was adduced on either side. However, on behalf of workman, the documents Exs.W-1 to W-10 were marked and on behalf of

Management Exs.M-1 to M-6 were marked. After elaborate consideration of the entire documentary evidence, the Labour Court came to the conclusion that the petitioner is not entitled for promotion to the post of Lineman, hence, no relief can be granted. I am of the considered opinion that the Labour Court has not committed any error in coming to such a conclusion.

4. It is an admitted fact that the petitioner met with an accident and though his services were terminated, he was reinstated into service and accommodated as watchman, since he could not have attended to his duties of Assistant Wireman. Unless and until a person is able to climb electrical polls he cannot attend to the works of wireman or lineman. In this case, the petitioner nowhere asserted that though he met with an accident, he is able to climb the polls and perform the duties of a lineman without any trouble. In that view of the matter, the claim of the petitioner that his seniority in the post of Assistant Wireman/Watchman ought to have been considered to the post of Lineman, in view of the relief granted in the earlier industrial dispute is without any substance. The Labour Court has not committed any error requiring interference of this court under Article 226 of the Constitution of India.

5. Accordingly, the writ petition stands dismissed. No order as to costs.

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C.V.RAMULU,J.

Date: 24th June 2005.

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Presiding Officer,

Labour Court, Hyderabad.

2. Divisional Engineer, A.P.S.E.B.
Miryalaguda, Nalgonda District.

3. Two CCs to the Government Pleader for Labour, High Court of

A.P., Hyderabad (OUT).

4. Two CD copies

*Form-NIC-OGS/WP{**SRAVAN**}*